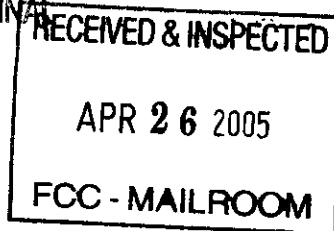




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Secretary
Federal Communications Commission
445 12th St S.W. Room TW-R325
Washington, DC 20554

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RE: rulemaking – MB Docket NO-05-113

Dear Secretary,

Ruby Radio Corporation License of KCLS-FM, Ely, NV has proposed the substitution of Channel 260 C1 for channel 269 C3 at Ely. The re-allotment of channel 269 C1 from the Ely to Spring Creek, Nevada as the community's first local transmission service and the modification of the license for KCLS-FM to reflect the new community. Channel 269 C1 has been proposed to be re-allotted at Spring Creek at a site 31.1 Kilometers (19.3 Miles) northwest of the community at coordinates 40-5-16 NL + 115-50-58 WL.

Holiday Broadcasting of Elko (DBA KRJC-FM) is opposed to this change of allotments for the following reasons:

- 1) The recent auction, by the FCC, has awarded two new FM's to Elko, Nevada which is just 10 miles away from Spring Creek.
- 2) Presently, there are already in the Elko area 2 AM stations and 3 FM stations
 - a) ~~KELK-AM & KELO-FM~~ KZKZ-FM
 - b) KRJC-FM & KTSN AM
 - c) KNCC-FM
 - d) KHIX-FM
- 3) The FCC has awarded also two new AM allocations for Elko – plus the two new auctioned FM's therefore making the new total if all are built as follows:
4 AM's
7 FM's
11 Total stations serving an area of approximately 30,000 people. This amounts to 2,727 people per station. This creates a situation in which none of the stations could be profitable.
- 4) KHIX-FM is a station that is licensed to Carlin, Nevada and was moved by Ruby Radio Corporation from Ely, Nevada just two ½ years ago and a new frequency channel 269 C3 given to Ely. Now Ruby is substituting channel 260 C1 for the departing channel 269 C1. That constitutes two moves from Ely in two years.

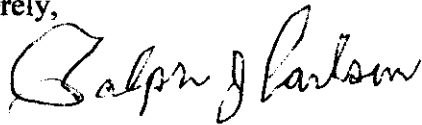
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LIST ABOVE

- 5) KHIX-FM is licensed to Carlin, Nevada but is officed in Elko, Nevada. The move of channel 269 C1 to Spring Creek would be officed out of Elko as well, thus neither Carlin nor Spring Creek have or would have the radio stations offices located in their community of license.

In conclusion, how can we serve the public interest when none of the stations would be profitable with 11 stations dividing up the market of 30,000 people. And that's not all – there is also a daily newspaper a full time TV station, Cable, and at least 4 translators from distant cities in Idaho and Utah.

Please do not allow this transfer to take place, it is not in the best interest of the community it is supposed to serve. In addition, none of the stations will be able to afford annual fees and other operating expenses.

Sincerely,



Ralph J. Carlson
Holiday Broadcasting of Elko

Cc: ^{KLKO} KELK/~~KEL~~O-FM
KHIX FM
KRJC/KTSN
College Creek Broadcasting
KNCC FM

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

(DA 05-711, MB Docket No. 05-112; RM-11165)

Radio Broadcasting Services; Ely and Spring Creek, NV**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document seeks comment on a petition for rulemaking filed by Ruby Radio Corporation, licensee of Station KCLS(FM), Ely, Nevada, proposing the substitution of Channel 269C1 for Channel 269C3 at Ely, the reallocation of Channel 269C1 from Ely to Spring Creek, Nevada, as the community's first local transmission service, and the modification of the license for Station KCLS(FM) to reflect the new community. Channel 269C1 has been proposed to be reallocated at Spring Creek at a site 31.1 kilometers (19.3 miles) northwest of the community at coordinates 40-5-18 NL and 115-50-58 WL.

DATES: Comments or counterproposals must be filed on or before May 9, 2005, and reply comments on or before May 24, 2005.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A323, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: David Tillotson, Esq., Law Office of David Tillotson, 4806 Charleston Terrace, NW, Washington, DC 20007-1011.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking*, MB Docket No. 05-112, adopted March 16, 2005, and released March 18, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 800-378-3180 or <http://www.BCPiWEB.com>. This document does not contain proposed information collection requirements subject to the Paperwork

Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, sec. 44 U.S.C. 3506(c)(4).

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(h) for rules governing permissible ex parte contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 134, 303, 334, and 338.

§73.202 (Amended)

2. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by removing Channel 269C3 at Ely and adding Spring Creek, Channel 269C1.

Federal Communications Commission.

John A. Karwan

Assistant Chief, Audio Division, Media Bureau.

(FR Doc. 05-6553 Filed 4-1-05; 4:45 am)

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

(DA 05-716; MB Docket No. 05-124, RM-11174)

Radio Broadcasting Services; Killen, AL and Loretto, TN**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document sets forth a proposal to amend the FM Table of

Allotments, Section 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Audio Division requests comment on a petition filed by Pulaski Broadcasting, Inc., pursuant to Section 1.420(i) of the Commission's rules, 47 CFR 1.420(i). Petitioner proposes to change the community of license for Station WKSH-FM from Killen, Alabama, to Loretto, Tennessee, and to change the FM Table of Allotments by deleting Channel 252C3 at Killen, Alabama, and by adding Channel 252C3 at Loretto, Tennessee, as the community's first local aural broadcast service. The proposed coordinates for Channel 252C3 at Loretto, Tennessee, are 35-00-47 NL and 87-34-06 WL. The allotment will require a site restriction of 13.9 km (8.5 miles) southwest of Loretto. Petitioner previously had proposed a change of community from Pulaski, Tennessee, to Killen, Alabama. Although that proposal was approved, Petitioner is not yet serving Killen, Alabama. Comment is sought on whether to allow a second change of community before the first change of community is effectuated. **DATES:** Comments must be filed on or before May 9, 2005, and reply comments on or before May 24, 2005.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the petitioner as follows: Robert S. Stone, Esq., McCampbell & Young, PC, 2021 First Tennessee Plaza, Knoxville, Tennessee 37929.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418-7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MB Docket No. 05-124, adopted March 16, 2005, and released March 18, 2005. The full text of this Commission document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A237), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer